

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CAROLINA
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DENIED

DANIEL BOYD McCRACKEN

Defendant

v.

UNITED STATES OF AMERICA

Respondent

Terry L. Wooten 1-26-10
TERRY L. WOOTEN
U. S. DISTRICT JUDGE
DATE

Case No. 4:03-cr-00748-TLW-TER

PETITION FOR WRIT OF ERROR AUDITA
QUERELA PURSUANT TO 28 U.S.C. 1651

COMES NOW , THE Petitioner herein , Daniel Boyd McCracken , appearing Pro-se , and moves this Honorable Court to issue a Writ of Audita Querela pursuant to 28 U.S.C. 1651. At the onset , the petitioner submits that the instant petition raises objections , as a matter of law , against the consequences of a prior Judgement of thiscourt issued on August 18th , 2004 , in case number 4:03-cr-00748-TLW-TER . The petitioner submits that he is raising a newly recognized defense against the infirmities created by said Judgement. In support of his petition for Writ of Audita Querela , The Petitioner submits the following Facts: